

**EXHIBIT 1**

**TO**

**PLAINTIFF'S STATEMENT OF FACTS**

**IN SUPPORT OF**

**PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

**In The Matter Of:**

*Martinez vs.*

*Maricopa County Community College District*

---

*Cleopatria Martinez, Ph.D., Vol. I - videotaped*  
*August 16, 2016*

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*Glennie Reporting Services, LLC*

*7330 North 16th Street, Suite A100*

*Phoenix, Arizona 85020*

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UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA

Cleopatria Martinez,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. CV 15-01759-PHX-NVW
	)	
Maricopa County Community	)	
College District; et al.,	)	
	)	
Defendants.	)	
	)	

---

VIDEOTAPED DEPOSITION OF  
CLEOPATRIA MARTINEZ, Ph.D.  
VOLUME I (Pages 1 through 158)

Phoenix, Arizona  
August 16, 2016  
10:07 a.m.

Glennie Reporting Services, LLC  
7330 North 16th Street  
Suite A100  
Phoenix, Arizona 85020-5275

602.266.6535  
www.glennie-reporting.com

Prepared by:  
Janet Hauck, RPR  
Arizona CR No. 50522

## I N D E X

Witness	Page
CLEOPATRIA MARTINEZ, Ph.D.	
Examination by Ms. Balch:	5

## INDEX TO EXHIBITS

Description	Page
<u>Exhibit 1</u> Residential Faculty Policies MartinezDST003735-826	
<u>Exhibit 2</u> Verified Amended Complaint	21
<u>Exhibit 3</u> Notice MCCCD/Martinez02248-251	
<u>Exhibit 4</u> Notice of Pre-Disciplinary Conference, with attachments MCCCD/Martinez02114-120	47
<u>Exhibit 5</u> Preliminary Scheduling Order	54
<u>Exhibit 6</u> Cleopatria Martinez's Position Statement	55
<u>Exhibit 7</u> Cleopatria Martinez's Supplemental Position Statement	56
<u>Exhibit 8</u> Cleopatria Martinez's Citation of Supplemental Authority	57
<u>Exhibit 9</u> Letter to Members of the Governing Board, 3/12/14	83
<u>Exhibit 10</u> Governing Board Meeting - 03/25/14	87
<u>Exhibit 11</u> Governing Board Minutes - 03/25/14	91
<u>Exhibit 12</u> Governing Board Meeting - 05/27/14	96
<u>Exhibit 13</u> Governing Board Meeting - 10/28/14	102
<u>Exhibit 14</u> Governing Board Minutes - 10/28/14	104

**VIDEOTAPED DEPOSITION OF**

**CLEOPATRIA MARTINEZ, Ph.D., VOLUME I, was taken on August 16, 2016, commencing at 10:07 a.m., at FISHER & PHILLIPS LLP, 201 East Washington, Suite 1450, Phoenix, Arizona, before JANET HAUCK, RPR, a Certified Reporter, Certificate No. 50522, for the State of Arizona.**

**APPEARANCES:**

**For Plaintiff:**

**ROBAINA & KRESIN, PLLC  
Ashley A. Marton, Esq.  
5343 North 16th Street, Suite 200  
Phoenix, Arizona 85016**

**For Defendants:**

**FISHER & PHILLIPS LLP  
Shayna H. Balch, Esq.  
201 East Washington, Suite 1450  
Phoenix, Arizona 85004-2330**

**Also present:**

**Holly Rye, Certified Legal Video Specialist**

1 institution?

2 A. Master's and a Ph.D.

3 Q. In what?

4 A. The Master's in Education and Ph.D. in bilingual  
5 education and mathematics.

6 Q. So you received a -- from the University of  
7 Colorado-Boulder you received a Master's degree in  
8 education --

9 A. Yes.

10 MS. MARTON: Objection; asked and answered.

11 You can answer.

12 Q. BY MS. BALCH: -- and a Ph.D. in bilingual  
13 education and mathematics; is that correct?

14 A. Yes.

15 Q. Are there any other colleges or institutions  
16 that you have -- or educational institutions that you have  
17 attended?

18 A. No.

19 Q. I want to walk through some of your employment  
20 history with the District. When did you start working for  
21 the District?

22 A. 1985.

23 Q. Where did you work at the District?

24 A. Scottsdale Community College.

25 Q. And when did you work at Scottsdale Community

Cleopatria Martinez, Ph.D., Vol. I - videotaped - 08/16/2016

18

1 College? Please give me a date range.

2 A. 1985, 1990, something.

3 Q. And what was your position at Scottsdale  
4 Community College during that time frame?

5 A. Professor of mathematics.

6 Q. And this is probably going to happen throughout  
7 the day. I'm guilty of it myself, but please make sure  
8 that you wait for me to finish my question before you  
9 answer so we don't talk over each other.

10 So following your position of professor of  
11 mathematics at Scottsdale Community College from 1985 to  
12 1990, where did you work next within the District?

13 A. Phoenix College.

14 I have a question.

15 MS. MARTON: Is it a question for me or is it  
16 a question about the procedure?

17 THE WITNESS: About what you just asked. You  
18 asked when I taught at Scottsdale?

19 Q. BY MS. BALCH: Yes.

20 A. I taught until somewhere in the '90s, not '90.

21 Q. Thank you for that clarification.

22 Following your employment at Scottsdale  
23 Community College from approximately 1985 to sometime in  
24 the 1990s, you worked at Phoenix College; is that correct?

25 A. Ask that again.

1 Q. My understanding of your testimony is that you  
2 worked at Scottsdale Community College as a professor of  
3 mathematics from approximately 1985 into the 1990s; is that  
4 correct?

5 A. Yes.

6 Q. Where did you work following your position with  
7 Scottsdale Community College?

8 A. Phoenix College.

9 Q. And what was your position at Phoenix College?

10 A. Professor of mathematics.

11 Q. And what date range did you work at Phoenix  
12 College as a professor of mathematics?

13 A. When I left Scottsdale to the present.

14 Q. And I see that you're taking notes here today.  
15 What are those notes?

16 MS. MARTON: Just note my objection.

17 You can answer.

18 THE WITNESS: What I've been asked, some of  
19 the things I've been asked.

20 MS. BALCH: Mark this as Exhibit 1.

21 (Exhibit 1 was marked.)

22 Q. BY MS. BALCH: Dr. Martinez, you've been handed  
23 what's been marked as Exhibit 1 to your deposition. It's  
24 titled Residential Faculty Policies 2013 to 2014. Do you  
25 recognize this document?



1 A. Yes.

2 MS. BALCH: This is marked as Exhibit 4 --  
3 Exhibit 4 to the deposition.

4 (Exhibit 4 was marked.)

5 Q. BY MS. BALCH: This is titled Notice of  
6 Pre-Disciplinary Conference. It is dated March 20th, 2013.  
7 Do you see it at the top of the page?

8 A. Yes.

9 Q. And this is a notice to you that the District  
10 was considering disciplinary action against you based on  
11 the bulleted alleged violations at the bottom of this page  
12 and continuing on to the next page; is that correct?

13 A. Yes.

14 Q. And as of the date of this March 20th, 2013  
15 disciplinary notice you had not issued refunds to students,  
16 had you?

17 A. Correct.

18 Q. On this Notice of Pre-Disciplinary Conference  
19 the third paragraph of this reads, "The purpose of this  
20 conference is to ensure that the decision to be made  
21 concerning the complaints against you as described in  
22 detail below is based upon complete and accurate  
23 information, to inform you of the charges against you and  
24 the evidence in support of those charges, and to provide  
25 you with an opportunity to respond." Do you see that?

1 hearing. And if you want to just turn to the next page  
2 you'll see a document that should refresh your memory.

3 A. Yes.

4 Q. So the next page here is -- the date on it is  
5 August 16th, 2013, and this is a letter from Stephen  
6 Montoya to James Bowers, who is the interim vice chancellor  
7 for human resources at MCCC. At the top of the page it  
8 says document 14-3. And this is your attorney's request,  
9 acting on your behalf, for a hearing, correct?

10 A. Yes.

11 Q. And the district granted your request for a  
12 hearing, correct?

13 A. Yes.

14 Q. And a hearing was, in fact, held on  
15 November 18th, 2013, correct?

16 A. Yes.

17 Q. And the hearing was conducted before a  
18 three-member panel, correct?

19 A. Yes.

20 Q. And the panel was comprised of District faculty  
21 who are your peers, correct?

22 A. Yes.

23 Q. And, in fact, you selected one of those Hearing  
24 Committee panel members, correct?

25 A. Yes.



### Notice of Pre-Disciplinary Conference

To: Cleopatria Martinez  
From: Casandra Kakar  
Subject: Notice of Pre-Disciplinary Conference  
Date: March 20, 2013

This is to notify you that a Pre-Disciplinary Conference has been scheduled for 3:30 p.m. on Wednesday, April 3, 2013 in Room 237 in the District Office located at 2411 W. 14<sup>th</sup> Street, Tempe, AZ 85281.

Dr. Anna Solley, President of Phoenix College, and Casandra Kakar, VP Academic Affairs, will be the Hearing Officers conducting this conference. Judy Castellanos and Sheri Klein from the District Office HR Solutions Center will also be present.

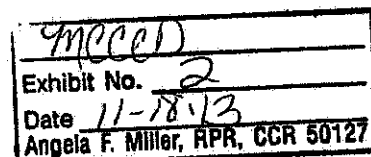
The purpose of this conference is to ensure that the decision to be made concerning the complaints against you as described in detail below is based on complete and accurate information, to inform you of the charges against you and the evidence in support of those charges, and provide you with an opportunity to respond.

You may have a fellow MCCCDC employee as your representative at the conference. The representative shall be present only to observe and not to participate. Attorneys are not permitted to serve as a representative. During the conference the representative shall be permitted to observe and take notes, and be permitted a limited right to speak, to include repeating to me points you have already made, explaining to me the significance of points you have made, and occasionally conferring with you in a confidential manner. The representative has no right to bargain at the conference, no right to make your willingness to answer contingent on a guarantee of leniency, and no right to speak for you in response to questions.

#### Alleged Violations:

- Violation of Administrative Regulation 6.7.1 - "Willful and intentional violation of any state or federal law, applicable ordinance, MCCCDC Governing Board policy, or MCCCDC administrative regulation that affects the employee's ability to perform his or her job", specifically:
  - Violation of MCCCDC's cash handling rules as covered by MCCCDC Administrative Regulations 1.17 (see attached)
- Violation of Residential Faculty Policy Manual 3.2.4 - "A Faculty member shall not have any financial interest in or receive compensation from the sale of any unpublished instructional materials required or suggested for a class that the Faculty member teaches."
- Violation of U.S. Copyright Law and fair use guidelines, and MCCCDC Administrative Regulations 3.2.4 and 3.2.5 regarding copyright regulations:

3.2.4 Employees are prohibited from copying materials not specifically allowed by the (1) copyright Law, (2) fair use guidelines, (3) Licenses or contractual agreements, or (4) other permission.



MCCCDC/Martinez02114

3.2.5 The Governing Board disapproves of unauthorized duplication in any form. Employees who willfully disregard this Board policy and/or the aforementioned copyright guidelines do so at their own risk and assume all liability for their actions.

- Violation of Administrative Regulation 6.7.3 - "Willful and intentional failure to perform job duties that have first been communicated to an employee and are within the employee's scope of employment", specifically, repeated failure to follow instructions regarding printing/copying of unauthorized materials, failure to use only approved course materials, unauthorized copying and sale of course materials, failure to reimburse students for the materials you wrongfully charged them for, and failure to meet the deadline to provide copies of any reimbursement checks to students.

**Brief Timeline:**

- January 2010 - College Vice Presidents Ronnie Elliott, Paul DeRose and Cassandra Kakar, along with Maggie McConnell, Assistant General Counsel, reviewed the requirements of AR 3.2 with you at length.
- April 2, 2010 - Anna Solley, Phoenix College President, notified you that your copying privileges at the Phoenix College KON Copy Center were suspended.
- Spring 2010 - An Administrative Evaluation was initiated based on Mr. Joe Sueyoshi's complaint. By agreement, the Evaluation Team did not undertake its task until the fall semester. The findings and recommendations were submitted to Dr. Solley on November 17, 2010. The overall findings included:
  - Copyright and plagiarism: Dr. Martinez was notified in writing and in meetings of MCCC's and Phoenix College's concerns regarding her course materials violating copyright, fair use, and plagiarism laws.
  - Insubordination: Dr. Martinez failed to follow Dr. Solley's and MCCC's Legal Counsel's directives - specifically, she repeatedly requested copies, copied and printed unauthorized materials.
- December 9, 2010 - Dr. Solley administered an Initial Corrective Action to you for insubordination and failure to follow instructions regarding printing or copying of unauthorized materials.
- August 21-23, 2012 - You told your MAT 091 and MAT 151 students not to buy the approved text that you listed on the syllabus. Instead, you made copies of a colleague's materials and sold them to your students for \$11 each.
- October 18, 2012 - A Second Corrective Action for insubordination and unauthorized copying and sale of course materials was administered to you by Dr. Solley. Included in the corrective action was the following directive: "Because you imposed charges on your students without authority to do so, you have the responsibility to reimburse the students from your own funds. You are hereby directed to do so by personal check, beginning immediately and continuing until all students who paid you are reimbursed."
- January 11, 2013 - Upon discovering that the students who bought your unauthorized course materials had yet to be reimbursed, Cassandra Kakar directed you, via email, to provide her, by January 18, 2013, with front and back copies of all cashed personal reimbursement checks to your students.
- January 18, 2013 - You failed to provide Dr. Kakar with copies of any reimbursement checks and neglected to contact her regarding the money you still owe the students.
- February 21, 2013 - A student turned in the MAT091 materials which you left in room B210. Timothy Bryan, Mathematics Faculty, has previously told you that you do not have permission to use his materials again.

If proven, the allegations against you could result in disciplinary action including suspension or dismissal from employment.

At the conference, you may:	
_____	_____
_____	_____
_____	_____

- a. Appear to present an oral or written statement in your defense; or
- b. Appear with a representative, if desired, and present an oral or written statement in your defense; or
- c. Elect in advance in writing to waive the pre-disciplinary conference.

If you elect to attend the conference and present evidence, you must answer all questions truthfully. If it is later proven that your answers were not truthful, such dishonesty may result in corrective action. You may present any testimony, witnesses, or documents which explain whether or not the alleged misconduct occurred. You shall provide a list of witnesses to me as far in advance as possible, but not later than one hour prior to the conference. It is your responsibility to notify witnesses that their attendance is desired.

If you provide a response at the conference it will be reviewed and considered before a final decision on discipline is made. If you do not attend the conference and have not discussed rescheduling, a decision will be made based on the information available.

---

I acknowledge receipt of this Notice of Pre-Disciplinary Conference.

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_



## 1.17 Cash Handling

Page 1 of 1

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## Maricopa Governance

## Online Policy Manual

## 1.17 Cash Handling

## Scope of Coverage of this Regulation

This regulation covers all Maricopa County Community College District (MCCCD) employees or officers (including, but not limited to: all employees – Board-approved or part-time, casuals, officers, performing arts centers, athletic facilities, program offices, etc.) that accept payment for any MCCCD services or donations (including, but not limited to: tuition, fees, dues, event tickets, etc.). Cash is defined as coins, currency, checks, money orders, credit cards, electronic funds transfers, and all cash equivalents (including, but not limited to: tokens, gift cards, tuition waivers, parking tickets, stamps).

## General Standards

1. To ensure strong internal controls over cash handling, is safeguard against loss and to meet our obligation to the community as stewards of public resources, the following elements of internal controls must be adhered to:
  - A. Proper segregation of duties (i.e., dual controls)
  - B. Specific safeguards for handling, transporting and storing cash
  - C. Specific safeguards for deposits
  - D. Independent reconciliation of deposit documents to receipts
  - E. Management oversight and review of cash handling processes and personnel
2. Each college and the District Office are required to establish written procedures for all locations that handle cash. Such procedures shall ensure compliance with all of the required internal control elements identified in 1. Such procedures shall address all control elements identified in 1 by reflecting the space, physical configuration, staff and other particulars of each location.
3. The District's Business Services division will review such written procedures for potential areas of concern relating to the required internal control elements. Such concerns will be noted and communicated back to the applicable College/District Office for further action.
4. On or about January 1st of each year, each college and the District Office are to review the written procedures relating to cash handling. If significant changes are required, such changes are to be reviewed by the District's Business Services division as in C. above.
5. The District's Internal Audit and Management Advisory Services Department may test the written procedures for compliance in accordance with their established audit plan.
6. If inappropriate activity is suspected or determined (i.e., a pattern of cash shortages, forgery of alterations of checks, misapplication of tuition waivers, loss or damage to securities, computer fraud, etc.), the college or District Office staff should immediately notify their appropriate Vice President or Vice Chancellor, who should then notify Risk Management and Internal Audit and Management Advisory Services of any real or potential losses. The notification stated above are critical as MCCCD has a limited discovery period in which to report such activity to our insurance carrier.
7. If it is suspected that a theft has occurred, the appropriate law enforcement authorities must be notified.
8. Annually, each employee responsible for handling cash will be required to complete an acknowledgment that they have read and agree to abide by established procedures for proper handling of cash.
9. Annually, each Vice President or senior level administrator with supervisory or management responsibility for any and all areas that handle cash and the college President and Vice Chancellors with any and all responsibility for cash shall complete an acknowledgment that they will enforce the established procedures for the proper handling of cash.
10. The Vice Chancellor for Business Services shall develop, make available and use the authority to require training as may be appropriate for any and all persons handling cash or supervising these individuals at the college, District Office or any district location.

TOP

ADOPTED by the Governing Board, February 27, 2007, Motion No. 0412

Print Section (Adobe Acrobat—Requires Adobe Acrobat Reader)

## OPS Web Issues?

Contact Tim Eubanks or your College Help Desk



## Questions or comments?

Contact Teresa Teney | Office of Public Stewardship | 2411 West 14th Street | Tempe, AZ 85281-0942 | 480.731.8880 | 480.731.8919 fax  
A division of the Office of General Counsel | 2411 West 14th Street | Tempe, AZ 85281-0942 | 480.731.8877 | 480.731.8990 fax  
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— Ten colleges specializing in university transfer, continuing education, career and job training programs —  
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**3.2.2.**

Other provisions may be negotiated by the Faculty member and MCCC and added to the contract. These may include the ability to edit and control the presentation of the work, the ability to change and update materials over time, the ability to create derivative or related works, and the sharing of costs and revenues associated with the commercialization of such work.

**3.2.3**

A Faculty member shall not, in connection with any class, suggest or require that a student purchase instructional materials which the Faculty member has produced, or from the purchase of which the Faculty member or the Faculty member's designee is entitled to royalty or similar consideration, unless the materials have been:

**3.2.3.1.**

produced by a "recognized, independent publisher," defined as a commercial entity in the business of publishing books, periodicals, and similar instructional materials, and which performs editorial, printing, distribution, marketing, and other functions typically associated with commercial publishing at the publisher's expense; and

**3.2.3.2.**

previously approved for students' purchase by the Vice President of Academic Affairs at the college where the Faculty member teaches the class.

**3.2.4.**

A Faculty member shall not have any financial interest in or receive compensation from the sale of any unpublished instructional materials required or suggested for a class that the Faculty member teaches.

**3.3. Personal Rights**

The Governing Board recognizes that the personal life of a Faculty member is not an appropriate concern of the MCCC, provided it does not affect the Faculty member's effectiveness in fulfilling professional obligation(s).

**3.4. Visitation of Faculty Members**

Brief class visits by administrative and/or staff personnel may be conducted without notice to the Faculty member in situations that need immediate attention for the normal operation of the College, for example, the safety and welfare of the Faculty and/or students. These visits will not be used for the purpose of the Faculty member evaluation.

**3.5. Faculty Evaluation Plan (FEP) for Instructional Improvement**

Inasmuch as the Faculty is committed to quality teaching and instruction and is contracted to provide professional services to students, colleagues, and the MCCC, the Faculty do hereby agree to adhere to, support, and implement the following self-evaluation policies and procedures.

**3.5.1. The objectives of the evaluation program are as follows:**



## 3.2 Copyright Regulation

Page 1 of 1

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## Maricopa Governance

## Online Policy Manual

## 3.2 Copyright Regulation

1. It is the intent of the Governing Board of the Maricopa County Community College District to adhere to the provisions of the U.S. Copyright Law (Title 17, United States Code Section 101 et seq.). Though there continues to be controversy regarding interpretation of the Copyright Law, this policy represents a sincere effort by the Board to operate legally within the District.
2. The Governing Board directs the Chancellor or his designee(s) to develop and distribute to employees guidelines that (1) clearly discourage violation of the Copyright Law and (2) inform employees of their rights and responsibilities under the Copyright Law.
3. Each college president or provost and the Chancellor shall name an individual(s) at each district location who will assume the responsibility of distributing copyright guidelines, act as a resource person regarding copyright matter and provide training courses on current copyright law.
4. Employees are instructed to not copy materials not specifically allowed by the (1) Copyright Law, (2) fair use guidelines, (3) Maricopa County Community College District's policies, and (4) Maricopa County Community College District's procedures.
5. The Governing Board understands that the Copyright Law is not absolute. Employees who violate the Copyright Law may be subject to disciplinary action as determined by the Board.
6. In order to assist employees and students in complying with the Copyright Law, appropriate notices shall be placed on or near all equipment capable of duplicating copyrighted materials.

## What Students Should Know About Copyright

AMENDED through the Administrative Regulation approval process, August 18, 2008

ADOPTED into Governance, September 24, 1996

AMENDED Motion No. 8894

AMENDED Motion No. 8895

AMENDED Motion No. 8898

## Forwarding Sources:

Governing Board Minutes, December 12, 1999, Motion No. 7144

Print Section (Adobe Acrobat—Requires Adobe Acrobat Reader)

## DPS Web Issues?

Contact Tina Emmons or your College Help Desk



## Questions or comments?

Contact Teresa Toney | Office of Public Stewardship | 2411 West 14th Street | Tempe, AZ

85281-4942 | 480.731.8893 | 480.731.8819 fax

A division of the Office of General Counsel | 2411 West 14th Street | Tempe, AZ 85281-4942 |

480.731.8877 | 480.731.8898 fax

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### Notice of Pre-Disciplinary Conference

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  - Insubordination: Dr. Martinez failed to follow Dr. Solley's and MCCC's Legal Counsel's directives - specifically, she repeatedly requested copies, copied and printed unauthorized materials.
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- a. Appear to present an oral or written statement in your defense; or
- b. Appear with a representative if desired, and present an oral or written statement in your defense; or
- c. Elect in advance in writing to waive the pre-disciplinary conference.

If you elect to attend the conference and present evidence, you must answer all questions truthfully. If it is later proven that your answers were not truthful, such dishonesty may result in corrective action. You may present any testimony, witnesses, or documents which explain whether or not the alleged misconduct occurred. You shall provide a list of witnesses to me as far in advance as possible, but not later than one hour prior to the conference. It is your responsibility to notify witnesses that their attendance is desired.

If you provide a response at the conference it will be reviewed and considered before a final decision on discipline is made. If you do not attend the conference and have not discussed rescheduling, a decision will be made based on the information available.

---

I acknowledge receipt of this Notice of Pre-Disciplinary Conference.

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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### Online Policy Manual

#### 6.7 Employment Standards

The following constitutes grounds for disciplinary action, up to and including termination of any Maricopa County Community College District (MCCCD) employee as outlined by the respective policy manuals:

1. Willful and intentional violation of any state or federal law, applicable ordinance, MCCCD Governing Board policy, or MCCCD administrative regulation that affects the employee's ability to perform his or her job.
2. Making a false statement of or failing to disclose a material fact in the course of seeking employment or re-assignment of position at MCCCD.
3. Willful and intentional failure to perform job duties that have first been communicated to an employee and are within the employee's scope of employment.
4. Willful and intentional commitment of acts of fraud, theft, embezzlement, misappropriation, falsification of records or misuse of MCCCD funds, goods, property, services, technology or other resources.
5. Conviction of a felony or misdemeanor that adversely affects an employee's ability to perform job duties or has an adverse effect on MCCCD if employment is continued.
6. Fighting with a fellow employee, visitor, or student, except in self-defense. Committing acts of intimidation, harassment or violence, including (but not limited to) oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm.
7. Reporting to work under the influence of alcohol and/or illegal drugs or narcotics; the use, sale, dispensing, or possession of alcohol and/or illegal drugs or narcotics on MCCCD premises, while conducting MCCCD business, or at any time which would interfere with the effective conduct of the employee's work for the MCCCD; the use of illegal drugs; or testing positive for illegal drugs. The exception would include the consumption of alcohol at a reception or similar event at which the employee's presence is clearly within the scope of employment.
8. Possessing firearms or other weapons on MCCCD property, except as may be required by the job or as otherwise permitted by law.
9. Abandonment of one's position.
10. Intentional destruction or threat of destruction of MCCCD property, with malicious intent.
11. Performing acts or executing job responsibilities in a reckless manner that pose a threat to the physical safety of the employee or another person.
12. Failure by the College President, Vice Chancellor, Chancellor or other senior level administrators to notify appropriate law enforcement authorities of any potential theft of District funds or assets.

#### Statement on Rehiring

Employees (Board approved and otherwise) who are terminated or non renewed due to a determination that the employee has violated Maricopa Employment Standards as set forth above, or who resign in lieu of such termination or non renewal by agreement or otherwise, are not eligible for rehire within the Maricopa County Community College District. Employees will be afforded notice of such a determination and an opportunity to be heard pursuant to the applicable employee policy or administrative regulation.

The Vice Chancellor for Human Resources is responsible for reviewing documented violations of employment standards, establishing procedures for the review of recommended disciplinary action to be taken, and determining whether the recommended disciplinary action is consistent with the documented violations of the employment standards. The Vice Chancellor for Human Resources shall have final authority to recommend disciplinary action under this policy and shall document the rationale for all decisions. To the extent that the recommendation for disciplinary action by the Vice Chancellor for Human Resources differs from the recommendation of the employee's College President or Vice Chancellor or other Chancellor's Executive Council Member, the Chancellor shall be consulted and shall make the final recommendation on disciplinary action. The Vice Chancellor for Human Resources shall make recommendations that involve the Chancellor.

Quarterly, a summary report shall be submitted to the Governing Board on disciplinary actions taken pursuant to this policy.

AMENDED June 28, 2011, Motion No. 9836

AMENDED February 22, 2011, Motion No. 9781, 9782

ADOPTED February 27, 2007, Motion No. 9407

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#### OPS Web Issues?

Contact Tina Emmons or your College Help Desk



#### Questions or comments?

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## Maricopa Governance

### Online Policy Manual

#### 1.17 Cash Handling

##### Scope of Coverage of this Regulation

This regulation covers all Maricopa County Community College District (MCCCD) employees or offices (including, but not limited to: all employees – Board-approved or part-time, cashiers offices, performing arts centers, athletic facilities, program offices, etc.) that accept payment for any MCCCD services or donations (including, but not limited to: tuition, fees, dues, event tickets, etc.). Cash is defined as coins, currency, checks, money orders, credit cards, electronic funds transfers, and all cash equivalents (including, but not limited to: tokens, gift cards, tuition waivers, parking tickets, stamps).

##### General Standards

- To ensure strong internal controls over cash handling, to safeguard against loss and to meet our obligation to the community as stewards of public resources, the following elements of internal controls must be adhered to:
  - Proper segregation of duties (i.e., dual controls)
  - Specific safeguards for handling, transporting and storing cash
  - Specific safeguards for deposits
  - Independent reconciliation of deposit documents to receipts
  - Management oversight and review of cash handling processes and personnel
- Each college and the District Office are required to establish written procedures for all locations that handle cash. Such procedures shall ensure compliance with all of the required internal control elements identified in 1. Such procedures shall address all control elements identified in 1 by reflecting the space, physical configuration, staff and other particulars of each location.
- The District's Business Services division will review such written procedures for potential areas of concern relating to the required internal control elements. Such concerns will be noted and communicated back to the applicable College/District Office for further action.
- On or about January 1st of each year, each college and the District Office are to review the written procedures relating to cash handling. If significant changes are required, such changes are to be reviewed by the District's Business Services division as in C. above.
- The District's Internal Audit and Management Advisory Services Department may test the written procedures for compliance in accordance with their established audit plan.
- If inappropriate activity is suspected or determined (i.e., a pattern of cash shortages, forgery or alterations of checks, misapplication of tuition waivers, loss or damage to securities, computer fraud, etc.), the college or District Office staff should immediately notify their appropriate Vice President or Vice Chancellor, who should then notify Risk Management and Internal Audit and Management Advisory Services of any real or potential losses. The notifications stated above are critical as MCCCD has a limited discovery period in which to report such activity to our insurance carrier.
- If it is suspected that a theft has occurred, the appropriate law enforcement authorities must be notified.
- Annually, each employee responsible for handling cash will be required to complete an acknowledgement that they have read and agree to abide by established procedures for proper handling of cash.
- Annually, each Vice President or senior level administrator with supervisory or management responsibility for any and all areas that handle cash and the college President and Vice Chancellors with any and all responsibility for cash shall complete an acknowledgement that they will enforce the established procedures for the proper handling of cash.
- The Vice Chancellor for Business Services shall develop, make available and has the authority to require training as may be appropriate for any and all persons handling cash or supervising these individuals at the colleges, District Office or any district location.

TOP

ADOPTED by the Governing Board, February 27, 2007, Motion No. 9412

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**3.2.2.**

Other provisions may be negotiated by the Faculty member and MCCCCD and added to the contract. These may include the ability to edit and control the presentation of the work, the ability to change and update materials over time, the ability to create derivative or related works, and the sharing of costs and revenues associated with the commercialization of such work.

**3.2.3**

A Faculty member shall not, in connection with any class, suggest or require that a student purchase instructional materials which the Faculty member has produced, or from the purchase of which the Faculty member or the Faculty member's designee is entitled to royalty or similar consideration, unless the materials have been:

**3.2.3.1.**

produced by a "recognized, independent publisher," defined as a commercial entity in the business of publishing books, periodicals, and similar instructional materials, and which performs editorial, printing, distribution, marketing, and other functions typically associated with commercial publishing at the publisher's expense; and

**3.2.3.2.**

previously approved for students' purchase by the Vice President of Academic Affairs at the college where the Faculty member teaches the class.

**3.2.4.**

A Faculty member shall not have any financial interest in or receive compensation from the sale of any unpublished instructional materials required or suggested for a class that the Faculty member teaches.

**3.3. Personal Rights**

The Governing Board recognizes that the personal life of a Faculty member is not an appropriate concern of the MCCCCD, provided it does not affect the Faculty member's effectiveness in fulfilling professional obligation(s).

**3.4. Visitation of Faculty Members**

Brief class visits by administrative and/or staff personnel may be conducted without notice to the Faculty member in situations that need immediate attention for the normal operation of the College, for example, the safety and welfare of the Faculty and/or students. These visits will not be used for the purpose of the Faculty member evaluation.

**3.5. Faculty Evaluation Plan (FEP) for Instructional Improvement**

Inasmuch as the Faculty is committed to quality teaching and instruction and is contracted to provide professional services to students, colleagues, and the MCCCCD, the Faculty do hereby agree to adhere to, support, and implement the following self-evaluation policies and procedures.

**3.5.1.** The objectives of the evaluation program are as follows:



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## Maricopa Governance

### Online Policy Manual

#### 3.2 Copyright Regulation

1. It is the intent of the Governing Board of the Maricopa County Community College District to adhere to the provisions of the U.S. Copyright Law (Title 17, United States Code Section 101 *et seq.*). Though there continues to be controversy regarding interpretation of the Copyright Law, this policy represents a sincere effort by the Board to operate legally within the District.
2. The Governing Board directs the Chancellor or his designee(s) to develop and distribute to employees guidelines that (1) clearly discourage violation of the Copyright Law and (2) inform employees of their rights and responsibilities under the Copyright Law.
3. Each college president or provost and the Chancellor shall name an individual(s) at each district location who will assume the responsibilities of distributing copyright guidelines, act as a resource person regarding copyright matter and provide training programs on current copyright laws.
4. Employees are prohibited from copying materials not specifically allowed by the (1) copyright Law, (2) fair use guidelines, (3) licenses or contractual agreements, or (4) other permission.
5. The Governing Board disapproves of unauthorized duplication in any form. Employees who willfully disregard this Board policy and/or the aforementioned copyright guidelines do so at their own risk and assume all liability for their actions.
6. In order to assist employees and students in complying with the Copyright Law, appropriate notices shall be placed on or near all equipment capable of duplicating copyrighted materials.

What Students Should Know About Copyright

AMENDED through the Administrative Regulation approval process, August 18, 2008

ADOPTED into Governance, September 24, 1996

AMENDED Motion No. 8894

AMENDED Motion No. 8895

AMENDED Motion No. 8896

Founding Source:

Governing Board Minutes, December 12, 1989, Motion No. 7144

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Questions or comments?

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